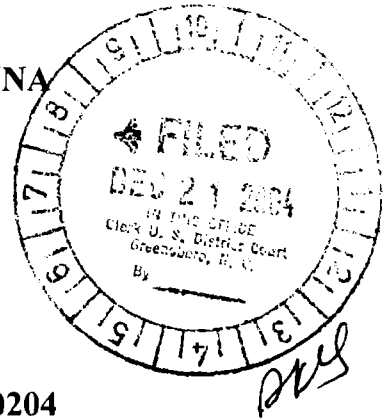


16.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



FRIEL MONROE HAWKS,

Petitioner,

v.

DAVID MITCHELL,

Respondent.

1:04CV00204

J-U-D-G-M-E-N-T

For the reasons set forth in the Order filed contemporaneously with this Judgment,

**IT IS THEREFORE ORDERED AND ADJUDGED** that Petitioner's habeas corpus petition be **DENIED** and that this action be, and is hereby, dismissed with prejudice. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

United States District Judge

Date: 12-21-04